



January 19, 2018

**Via Email: [onlypinoni@live.ca](mailto:onlypinoni@live.ca)**

Mr. Robert Pinoni  
13089 Sylvester Road  
Mission BC V2V 0B1

**FILE: F02784.012**  
**CIVIC:** 13089 Sylvester Road  
**PID:** PID: 001-905-147  
**LEGAL:** Lot 2 Section 30 Township 21 New Westminster District Plan 69714

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Dear Mr. Pinoni

**Re: Final Warning – Construction without a Building without a Permit – 13089 Sylvester Road  
Conversion of Storage Building to single family dwelling with remediation**

Further to our most recent letters dated April 25, 2017, and February 16, 2017 Regional District staff has confirmed that your property at 13089 Sylvester Road (the “property”) continues to remain in breach of Regional District bylaws despite our repeated requests for compliance. Staff verified that the illegally constructed storage building on your property was used to house a Marihuana Grow Operation, and then was subsequently converted to a single family dwelling without proper remediation or any of the required permits.

Fraser Valley Regional District’s Building Bylaw No. 1188, 2013 (Bylaw 1188) section 6 states:

*No person shall commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the occupancy of any building or structure, including excavation or other work related to construction until a building official has issued a valid and subsisting permit for the work.*

It has now been more than nine years since the Regional District first discovered the unauthorized grow operation and illegal construction on your property. As of today’s date you have made very little effort to address the outstanding permit requirements for the unpermitted construction, change of use and remediation that is required for this structure.

Considering you have not been able to meet any of the previously given deadlines to comply with the building permit requirements as outlined in the Bylaw 1188, and continue to occupy the illegal structure, the Regional District has no choice but to proceed with the process of registering a notice on the title of your property under Section 57 of the *Community Charter*. As stated in your May 12, 2017 email correspondence you agreed that the registration of a notice on title, with the Land Titles Office would be the best course of action given the timelines and permit requirements to bring the structure into compliance with Regional District regulations. Please see the enclosed information sheet that provides further details on the process.

If you do wish to take steps towards gaining compliance in the above stated matter please ensure that by **February 8, 2018** a fully completed building permit application is submitted for the above noted construction, to the Fraser Valley Regional District's Building Department. The application should include:

- a) Fully completed building permit application form;
- b) Detailed to scale drawings for the structure including the uses for each space;
- c) British Columbia Land Surveyors (BCLS) location survey;
- d) Completed Site Profile (contaminated Sites) form; and
- e) An initial application fee in the amount of \$150.00 for the permit.

Should you have any questions with regard to your application, please do not hesitate to contact one of our Building Inspectors at (604) 702-5000. Building Permit Application forms are available online for your convenience on the Regional District's website at:  
<http://www.fvrd.ca/EN/main/services/building-permits-inspection/forms.html>

If you fail to meet the above stated deadline of **February 8, 2018** we will move forward to begin the process of registering a notice on the title of your property as outlined in section 57, of the *Community Charter*.

The primary purpose of an owner obtaining their Building Permit is for the safety of its occupants. Having a non-approved building puts the occupants at risk and should an unfortunate incident occur the owner may be held more liable. We encourage you to read the BC Occupiers Liability Act regarding property safety and negligence, available online at:  
[http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/00\\_96337\\_01](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96337_01)

If you have any questions or wish to discuss this matter further, you may contact me by calling toll-free at 1-800-528-0061, directly at 604-702-5015 or by email at [lhinton@fvrd.ca](mailto:lhinton@fvrd.ca). Our office hours are Monday through Friday from 8:30am to 4:30pm.

Yours truly,



Louise Hinton,  
Bylaw, Compliance and Enforcement Officer

Attach: Copy of Email dated May 15, 2017  
Copy of Letter dated April 21, 2017  
Copy of Letter dated February 16, 2017  
Copy of Letter dated March 16, 2016  
Section 57 Information Sheet

cc: Ray Boucher, Director of Electoral Area F  
Margaret Thornton, Director of Planning & Development  
Greg Price, Bylaw & Compliance Coordinator

**Louise Hinton**

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**From:** robert pinoni <onlypinoni@live.ca>  
**Sent:** May-12-17 11:27 AM  
**To:** Jennifer Wells  
**Subject:** Cancelation of building permits

**COPY**

Hi Jenneffer

As per our conversation today I would like to cancel my permits on file for 13089 Sylvester road, Mission BC V2V 0B1 as was suggested and continue with the notice on title as this is a large task to complete in a short period of time. Thank you for all your help in this matter

Robert Pinoni

Sent from my iPhone





## PLANNING & DEVELOPMENT

www.fvrd.bc.ca | building@fvrd.bc.ca

File Number: 3800-30-BP013874F

April 21 2017

PINONI, ROBERT  
13089 SYLVESTER RD  
MISSION BC V2V 0B1

**COPY**

Dear Sir :

**Re: Building Permit Application on property at 13089 SYLVESTER RD**

Building Permit Application Number:	BP013874
Proposed works:	Conversion of storage building to SFD
Legally described as:	LOT 2, SECTION 30, TOWNSHIP 21, NEW WESTMINSTER DISTRICT, PLAN NWP69714
Parcel Identifier (PID):	001-905-147

Thank you for submitting a building permit application on Apr 03, 2017 for the project referenced above. Building permits benefit you and your neighbours in many ways. They ensure buildings are safe for you, your family and visitors. They support higher market value for your property by increasing buyer confidence. They reduce your insurance costs because insurers know the building meets the BC Building Code, and building permits reduce lifecycle repair and maintenance costs by ensuring the building is efficient and well-built. Not only do building permits provide value to you, they also benefit your neighbours by enhancing the overall safety and quality of your neighbourhood.

Professional builders know the process inside and out, however, most people only experience building permitting a few times in their lives, so it can be challenging. We carefully reviewed your application and have prepared the checklist below to guide you. Whether you are a pro or a first-timer, this checklist will help you get your building permit quickly and efficiently.

### PLANNING REQUIREMENTS

1. Revised Site Plan - Please submit a revised site plan that is drawn to scale and includes all of the following:

- the entire property complete with all existing buildings and structures;
- the proposed Conversion of storage building to SFD with setbacks to all property lines, watercourses and wells;
- the location of the septic field, tank, driveway, right-of-ways and easements; and,
- rock pit/storm drainage system (minimum 5.0m from any foundation).

This site plan will help us ensure your structure complies with all required setbacks. An example of a site plan is attached. You may prepare the site plan yourself, but it must be drawn to scale and contain the above-noted information.

Check When  
Complete



### BUILDING REQUIREMENTS

2. Certified Occupational Industrial Hygienist Report - Please provide a report from a Certified Occupational Industrial Hygienist to identify actions or works needed to ensure the home is free pesticides, fertilizers, toxic chemicals, moulds or fungi that can damage your health. Actions or works identified in the report should not be completed until the building permit has been issued. The requirements identified in the Hygienist's report will become requirements of the Building Permit.

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3. Certified Electrician's Report - Please provide a report by a Certified Electrician to certify that the household electrical system is safe for its intended use. Any works indicated in the Certified Electrician's report are not to be completed until the building permit has been issued. The works identified by the Electrician will become requirements of the Building Permit.

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4. Certified Gas Fitter's Report - Please provide a report by a Certified Gas Fitter to identify any corrective measures required to certify that the propane system is safe and fully operational. Any works indicated in the Certified Gas Fitter's report are not to be completed until the Building Permit has been issued. The works identified by the Certified Gas Fitter will become requirements of the Building Permit.

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5. Provincial Sewerage System Regulation - Please provide a report by a Professional Engineer or a Registered Onsite Wastewater Practitioner (otherwise known as an Authorized Person) to confirm that the re-use of the existing sewage disposal system meets all current Provincial requirements to protect your health and the environment. For a list of Authorized Persons, please call 604-585-2788 or go online to <http://owrp.asttbc.org>. More information is attached to this letter.

☐

6. Project Coordination - BC Building Code - Please submit a BC Building Code Schedule A form completed signed and sealed by *Coordinating Registered Professional*. A *Coordinating Registered Professional* means a *Registered Professional* retained pursuant to Clause 2.2.7.2 (1)(a) of Division C of the BC Building Code to coordinate all design work and field reviews of the *Registered Professionals* required for the project.

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7. Engineering Design - BC Building Code - Please submit the following information prepared by a *Registered Professional of Record*:

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- a) Architectural Schedule B and a sealed report for section 1.16 to 1.24 on the Schedule B,
- b) Schedule B and 3 sets of sealed drawings for all structural aspects of the project that reflect a frost depth of 0.45m and climatic (snow) loads of,  $S_s=3.0\text{kpa}$  &  $S_r=0.6\text{kpa}$ ;
- c) Schedule B and 3 sets of sealed drawings for the soak away system;
- d) Schedule B for soil bearing capacity.

This is required to meet the requirements of the BC Building Code.

A *Registered Professional of Record* is a person who is registered or licensed to practise as an Architect under the *Architects Act*, or a person who is registered or licensed to practise as a Professional Engineer under the *Engineers and Geoscientists Act*.

8. Location Survey by BC Land Surveyor - Please provide a Location Survey by a BC Land Surveyor to confirm that the proposed structure complies with all required setbacks, including setbacks to each property line, and the natural boundary of a watercourse (2 on site).

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9. Construction Drawings - Please provide three complete sets of construction drawings. Construction drawings are scaled drawings which provide sufficient information to show that the proposed work and proposed occupancy will conform to the BC Building Code, FVRD Bylaws, other relevant legislation or regulations.

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10. Building Permit Application revised - The Building Permit application form submitted did not include some important information. Please complete the following sections of the application form: 1) the heating section, including wood stove

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## OTHER AGENCY REQUIREMENTS

11. Provincial Contaminated Site Profile - Please provide a completed Contaminated Site Profile form. This is a Provincial requirement to identify whether there may be contaminated soils on the property. Please complete and submit the attached form for the decommission of marijuana grow op. If you need assistance, please contact the Building Clerk at 604-702-5016 or [building@fvrd.bc.ca](mailto:building@fvrd.bc.ca). ☐
12. New Home Registration Form - Please provide New Home Registration Form (formally HPO). Provincial law requires that all new homes, including substantially reconstructed dwellings, require home warranty insurance. Contact BC Housing at 1-800-407-7757 or go online [www.bchousing.org/licensing-consumer-services](http://www.bchousing.org/licensing-consumer-services) to complete this process. A copy of the form is required prior to issuance of the building permit. ☐

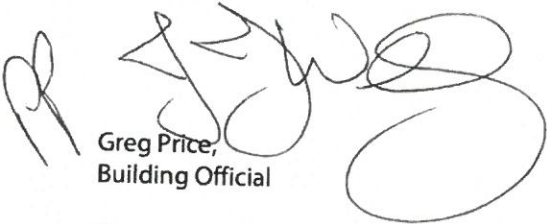
## BYLAW ENFORCEMENT REQUIREMENTS

13. Open / Active Bylaw Enforcement File No. - F02784.012 ☐

Once you have submitted all of the items identified in the checklist above, we will review your building plans and move on to the next steps of the permitting process. This may require additional information or clarification. Our goal is to issue your permit within three weeks of receiving a complete application. If you provide complete and timely information we can often do it more quickly.

We know that the building permit process can be difficult and costly. The FVRD will help you through the process quickly and smoothly. Please contact the building department 604-702-5016 or toll free 1-800-528-0061 if you need more information or clarification of any of the items in this checklist.

Yours truly,



Greg Price,  
Building Official

Enc.

cc: Ray Boucher, Director of Electoral Area F  
Margaret-Ann Thornton, Director of Planning & Development  
Jen Wells, Bylaw, Permits & Licences Technician

Via email @ [onlypinoni@live.ca](mailto:onlypinoni@live.ca)

February 16, 2017

COPY

Robert Pinoni  
13089 Sylvester Rd.  
Mission, BC V2V 0B1

**FILE: 4010-20-F02784.012**  
CIVIC: 13089 Sylvester Road  
PID: 001-905-147  
LEGAL: Lot 2 Section 30 Township 21 New Westminster District Plan NWP69714

Dear Mr. Pinoni;

**Re: BYLAW ENFORCEMENT AT 13089 SYLVESTER RD**

I am writing to you in connection with the above noted matter. Please be advised that our records indicate that your property remains in breach of Regional District bylaws. The compliance action requested in the email dated March 31, 2016 (attached) does not appear to have been carried out. It is imperative that this action be completed in order to avoid further bylaw enforcement. In addition, staff has verified that the illegally constructed storage building which was used as a Marihuana Grow Operation has recently been changed to a dwelling without the required permits.

Please contact the Regional District immediately to advise of your intentions in respect to resolving this issue. Should you fail to contact this office by **March 3, 2017**, you may be subject to fines and your file may be referred to the Regional Board for their consideration and recommendation regarding further bylaw enforcement.

If you have any questions or wish to discuss this matter further, you are welcome to contact me by calling me directly at 604-702-5015, or by email at [jwells@fvrd.ca](mailto:jwells@fvrd.ca). Our office hours are Monday through Friday from 8:30am to 4:30pm. Thank you once again for your co-operation.

Yours truly,



Jennifer Wells  
Bylaw, Permits & Licences Technician  
and Appointed Building Inspector

cc: Ray Boucher, Director of Electoral Area F  
Margaret-Ann Thornton, Director of Planning & Development

encl: Email correspondence dated March 31, 2016



**COPY**

March 16, 2016

Robert Pinoni  
13089 Sylvester Road  
Mission, BC V2V 4J1

**FILE: 4010-20-F02784.012**

**CIVIC: 13089 Sylvester Road**

**PID: 001-905-147**

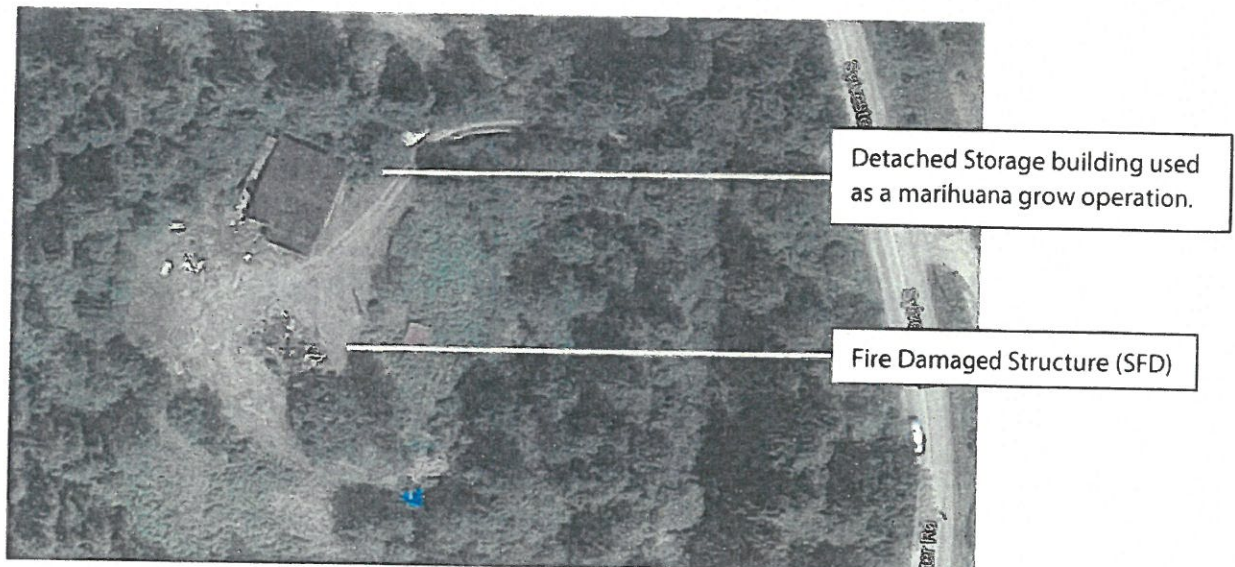
**LEGAL: LOT 2 SECTION 30 TOWNSHIP 21 NEW WESTMINSTER DISTRICT PLAN 69714**

Dear Mr. Pinoni;

**RE: Bylaw Enforcement at 13089 Sylvester Road**

The Fraser Valley Regional District is aware that you are the new owner of the above mentioned property. As you may already be aware, the Regional District has an open bylaw enforcement file on the property. We believe that a fire damaged structure and a detached storage building constructed without a building permit remain on the property. A change in ownership in no way negates the bylaw enforcement issues.

In December 2008 the Regional District was notified of a large fire in the single family dwelling (SFD) on the property. In February 2009 the Regional District was notified that there had been a marihuana grow operation within the detached 3 bay storage building.



The Regional District wishes to work with you to enable you to bring your property into compliance with all current bylaws. In order to accomplish this we ask that you:

1. Apply and obtain a demolition permit for the fire damaged structure, as well as a demolition permit for the detached storage building, **or**

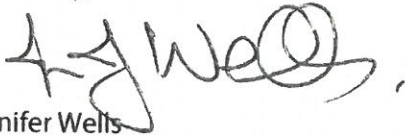


2. a) Apply and obtain a demolition permit for the fire damaged structure and
- b) Apply and obtain a building permit for the detached storage building used as a marihuana grow operation.

Should you fail to comply with this request by **April 18, 2016**, you may be subject to ticketing and your file may be referred to the Regional Board for their consideration and recommendation regarding further bylaw enforcement.

If you have any questions or wish to discuss this matter further, you are welcome to contact me by calling toll free at 1-800-528-0061, directly at 604-702-5015, or by email at [jwells@fvrld.ca](mailto:jwells@fvrld.ca). Our office hours are Monday through Friday from 8:30am to 4:30pm. Thank you once again for your co-operation.

Yours truly,



Jennifer Wells  
Bylaw, Permits & Licences Technician

cc: Ray Boucher, Director of Electoral Area F  
Margaret-Ann Thornton, Director of Planning & Development

## NOTICE ON TITLE INFORMATION SHEET

### WHAT IS A NOTICE ON TITLE?

A *Notice on Title*, note against land title, or section 57 of the *Community Charter*, was provided to local governments by the province of British Columbia as a tool to administer and enforce the *BC Building Code* and local building bylaws. It involves the registration of a Notice on a property title at the Land Title Office, which, once in place, is documented on the title search under the "Legal Notations" section.

A *Notice on Title* serves as notification to anyone searching a property title that the property may be in breach of bylaws or regulations. The *Notice* itself does not disclose details of the breach but specifies that further information may be obtained from the local government office.

### WHAT IS THE PURPOSE OF A NOTICE ON TITLE?

The purpose of a *Notice on Title* is to provide information to potential owners and stakeholders of a breach of bylaws or regulations. It also encourages voluntary compliance to reduce risk to the local government. The filing of a notice is not intended to be a punitive action; rather, it is a method to protect future owners and others with an interest in the property.

### WHEN CAN A NOTICE ON TITLE BE FILED?

A *Notice on Title* may be filed by a local government where there is a breach of bylaws or regulations in respect to a property. Specifically, a *Notice on Title* may be filed where a Building Inspector is made aware of any of the following:

- a) construction has occurred without a valid building permit;
- b) construction deficiencies noted have not been corrected;
- c) covering construction without required inspections;
- d) a permit has expired and the owner refuses to reapply for a new permit;
- e) construction that is in contravention of the *BC Building Code* or Building Bylaw; or
- f) any such circumstances as the Building Inspector may deem necessary.

### HOW IS A NOTICE ON TITLE FILED?

Step 1 When the Building Inspector is made aware of a breach, a letter is mailed to the registered owner of the property advising of the breach and the required remedial action. The owner is provided approximately thirty (30) days to contact staff and take the necessary steps to resolve the breach. This timeframe may be reduced where there appears to be a serious safety concern.

Step 2 If no action to contact staff and resolve the issue, a second letter is mailed to the owner advising of the breach and the required remedial action. The owner is provided approximately fourteen (14) days to contact staff and take the necessary steps to resolve the breach. This timeframe may be reduced where there appears to be a serious safety concern.



- Step 3 If no action to contact staff and resolve the issue, the Building Inspector may forward a report to the Corporate Officer and a "Show Cause Hearing" is scheduled. A Show Cause Hearing is held during an Electoral Area Services Committee (EASC) meeting. An invitation is mailed to the registered owner of the property advising the specific date and time they are to attend the Show Cause Hearing. A copy of the report produced by the Building Inspector will be included.
- Step 4 On the day of the EASC meeting, the Show Cause Hearing will be announced. The owner of the property, or their agent, will be asked if they would like to make representation to the Committee. The Committee shall listen objectively to the owner as well as the Building Inspector. Please note that **attendance is not required** if the owner does not wish to challenge the recommendation.
- Step 5 After hearing from the registered owner of the property and Building Inspector, the committee will then resolve to:
- a) direct the staff to file a *Notice* in the Land Title Office;
  - b) direct staff not to file a *Notice* in the Land Title Office; or
  - c) defer filing a *Notice* to allow the registered owner more time to comply.

### HOW IS A NOTICE ON TITLE CANCELLED?

Once a *Notice on Title* is filed, it may be cancelled from the title of a property by way of:

- a) the local government after a Building Inspector has provided a report confirming that the condition which caused the notice to be filed has been rectified; or
- b) an Order obtained by the registered owner from the *British Columbia Supreme Court*.

### WHAT IS THE COST OF PLACING OR CANCELLING THE NOTICE ON TITLE?

At this time, the Fraser Valley Regional District does not charge the registered owner of the property when a *Notice on Title* is placed or cancelled at the Land Title Office. The fees associated with the registration or removing of the Notices are remunerated by the Fraser Valley Regional District.

Properties with a *Notice on Title* may be sold at any time; however, the presence of the *Notice* may negatively affect a property's potential sale, perceived property value, access to a mortgage, and/or (re)financing. If a Notice is registered or is recommended to be registered upon the title of your property, you are advised to undertake inquiries with your lenders, insurance companies, and any other relevant parties to determine how it may impact you now and in the future.

**If you have any questions regarding this process, please email staff at [enforcement@fvrd.bc.ca](mailto:enforcement@fvrd.bc.ca) or phone directly at 1-800-528-0061.**

*This document is provided for informational purposes and does not constitute legal advice. The Fraser Valley Regional District makes no representations or warranties about the accuracy of the information contained in this document. If you have any questions or concerns as to the nature and effect of Notices on Title, please refer to the actual text of sections 57 and 58 of the Community Charter and seek your own independent legal advice.*

## EXCERPTS FROM COMMUNITY CHARTER

### NOTE AGAINST LAND TITLE THAT BUILDING REGULATIONS CONTRAVENED

- 57 (1) A building inspector may recommend to the council that it consider a resolution under subsection (3) if, during the course of carrying out duties, the building inspector
- (a) observes a condition, with respect to land or a building or other structure, that the inspector considers
    - (i) results from the contravention of, or is in contravention of,
      - (A) a municipal bylaw,
      - (B) a Provincial building regulation, or
      - (C) any other enactment
    - (ii) that, as a result of the condition, a building or other structure is unsafe or is unlikely to be usable for its expected purpose during its normal lifetime, or
  - (b) discovers that
    - (i) something was done with respect to a building or other structure, or the construction of a building or other structure, that required a permit or an inspection under a bylaw, regulation or enactment referred to in paragraph (a) (i), and
    - (ii) the permit was not obtained or the inspection not satisfactorily completed.
- (2) A recommendation under subsection (1) must be given in writing to the corporate officer, who must
- (a) give notice to the registered owner of the land to which recommendation relates, and
  - (b) after notice under paragraph (a), place the matter before the council.
- (3) After providing the building inspector and the owner an opportunity to be heard, the council may confirm the recommendations of the building inspector and pass a resolution directing the corporate officer to file a notice in the land title office stating that
- (a) a resolution relating to that land has been made under this section, and
  - (b) further information about it may be inspected at the municipal hall.
- (4) The corporate officer must ensure that all records are available for the purpose of subsection (3) (b).
- (5) If the registrar of land titles receives a notice under subsection (3) and payment of the prescribed fee, the registrar must make a note of the filing against the title to the land that is affected by the notice.
- (6) The note of a filing of a notice under this section is extinguished when a new title to the land is issued as a result of the deposit of a plan of subdivision or a strata plan.
- (7) In the event of any omission, mistake or misfeasance by the registrar or an employee of the registrar in relation to the making of a note of the filing under subsection (5), or a cancellation under section 58, after the notice is received by the land title office,



- (a) the registrar is not liable and neither the Provincial government nor the Land Title and Survey Authority of British Columbia is liable vicariously,
- (a.1) the assurance fund or the Land Title and Survey Authority of British Columbia as a nominal defendant is not liable under Part 19.1 of the Land Title Act, and
- (b) the assurance fund or the minister charged with the administration of the Land Title Act as a nominal defendant is not liable under Part 20 of the Land Title Act.

(8) Neither the building inspector nor the municipality is liable for damage of any kind for the doing of anything, or the failure to do anything, under this section or section 58 that would have, but for this subsection, constituted a breach of duty to any person.

(9) The authority under this section is in addition to any other action that a building inspector is authorized to take in respect of a matter referred to in subsection (1).

## **CANCELLATION OF NOTE AGAINST LAND TITLE**

- 58
- (1) On receiving a report from a building inspector that the condition that gave rise to the filing of the notice under section 57 (3) has been rectified, the corporate officer must file a cancellation notice and, on receiving the notice, the registrar of land titles must cancel the note against the title to which it relates.
  - (2) An owner of land with respect to which a notice has been filed under section 57 (3), may apply to the council for a resolution that the note be cancelled.
  - (3) After hearing an applicant under subsection (2), the council may pass a resolution directing the corporate officer to file a cancellation notice.
  - (4) If a resolution has been passed under subsection (3), the corporate officer must file a cancellation notice in the land title office and, on receiving the notice, the registrar of land titles must cancel the note against the title to which it relates.
  - (5) If the council does not pass a resolution under subsection (3), the owner may apply to the Supreme Court and notify the municipality to attend before the court to show cause why the note should not be cancelled.
  - (6) On an application under subsection (5), after reviewing any evidence that the owner and the municipality may adduce, the court may make an order directing the registrar to cancel the note made under section 57 (5) and, on receiving the order, the registrar of land titles must cancel the note accordingly.